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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,082	10/17/2005	Gerhard Mogck	MOGCK, G. ET AL 1	3247

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EXAMINER

CADUGAN, ERICA E

ART UNIT	PAPER NUMBER
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3722

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/538,082

Applicant(s)

MOGCK ET AL.

Examiner

Erica E. Cadugan

Art Unit

3722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

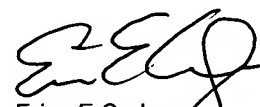
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


Erica E Cadugan
Primary Examiner
Art Unit: 3722

Continuation of 3. NOTE: Firstly, it is noted that the amendment to the claims serves to change the dependency of claims 5-8 and 10 to ultimately depend from independent claim 15 (whereas they had previously ultimately depended from independent claim 14). This creates a new issue that would require at least further consideration, noting that claims to such combinations of elements had not previously been presented in the case. Note that such further consideration includes whether or not such a combination of elements is fully supported by the specification as originally filed, and whether all claim elements in this combination are shown by the drawings, for example.

Secondly, it is noted that the proposed reply introduces new matter in at least some of the drawing amendments. For example, in amended Figure 1b, the specification as originally filed does not teach that each of the elements now labeled as 20 are "assembly units", noting that the specification as originally filed also teaches the use of testing and rework units, and thus, for at least this reasoning, it is not inherent that each of the units labeled as 20 in amended Figure 1b are "assembly units" (as also inserted by amendment into the specification on pages 6-7 in the amendment of 12/14/07). Additionally, the amendment to Figure 4 of 12/14/07 includes new matter, noting that the specification as originally filed does not support such a showing of an "assembly hall". For example, it is noted that the specification as originally filed does not teach that the "assembly hall" is located as shown or includes the particular stations shown.

Additionally, (regarding 3.c.) regarding claim 15, it is noted that the drawings still do not show the "conveying mechanism for overhead conveyance of a motor vehicle following assembly out of an assembly hall", i.e., firstly, there is no drawing that doesn't include new matter that shows such an assembly hall at all, and secondly, even in the proposed Figure 4, the mere showing of an assembly hall is not a showing of the "overhead conveyance of a motor vehicle following assembly out of an assembly hall".

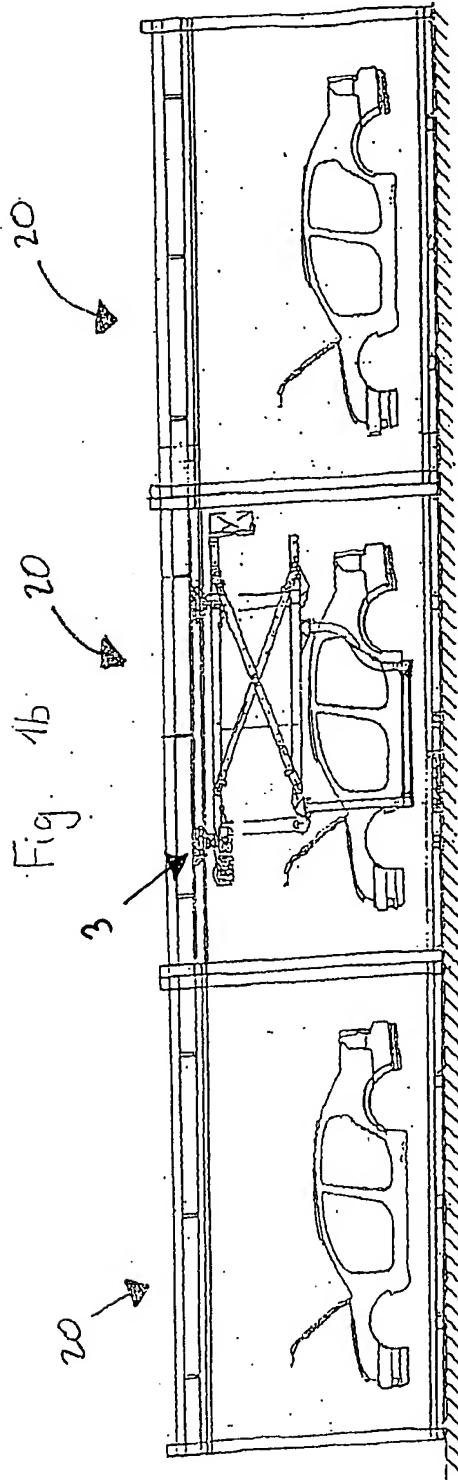
Continuation of 5. Applicant's reply has overcome the following rejection(s): the cancellation of the new figures that were submitted 5/17/07 and the cancellation of the paragraph previously inserted before the paragraph bridging pages 6-7 of the specification (added in the amendment of 5/17/07) beginning "Fig. 7 shows...that perform assembly", as well as the deletion of the text that had been added to the paragraph bridging pages 6-7 (text beginning "In Fig. 7, 16 has been used...signal light", and the cancellation of the paragraph that had been added (in the amendment of 5/17/07) after the last paragraph on page 7 would all serve to overcome any issues created by these previous amendments with respect to new matter. Additionally, the new matter rejection (under 35 USC 112, first paragraph) based on the issue described in the paragraph on page 7 of the final rejection mailed 8/6/07 beginning "Re new claims 14 and 15...", as well as any new matter rejection based on the issue described on page 7 of the final rejection in the paragraph on page 7 beginning "Re claims 5-8" would be overcome by the proposed amendment. Additionally, the cancellation of claim 3 would serve to overcome the 112, second paragraph rejection thereof, and the cancellation of claim 14 would serve to overcome any art rejection of claim 14. Also, proposed Figures 5a-5d would overcome the objections to the drawings for failing to show the embodiments of Figures 6-8.

As a side note: the proposed Figures 1b and 4 are not approved (in light of the new matter issues mentioned previously) and the proposed Figures 2b, 3b, 3c, 5a-5d are approved.

APPLICANT: Gerhard MOGCK ET AL. - 1
SERIAL NO.: 10/538,082 Examiner: E. E. CADUGAN
FILED: October 17, 2005 Group: 3722
TITLE: DEVICE FOR ASSEMBLING, TUNING, AND ...
REPLACEMENT SHEET



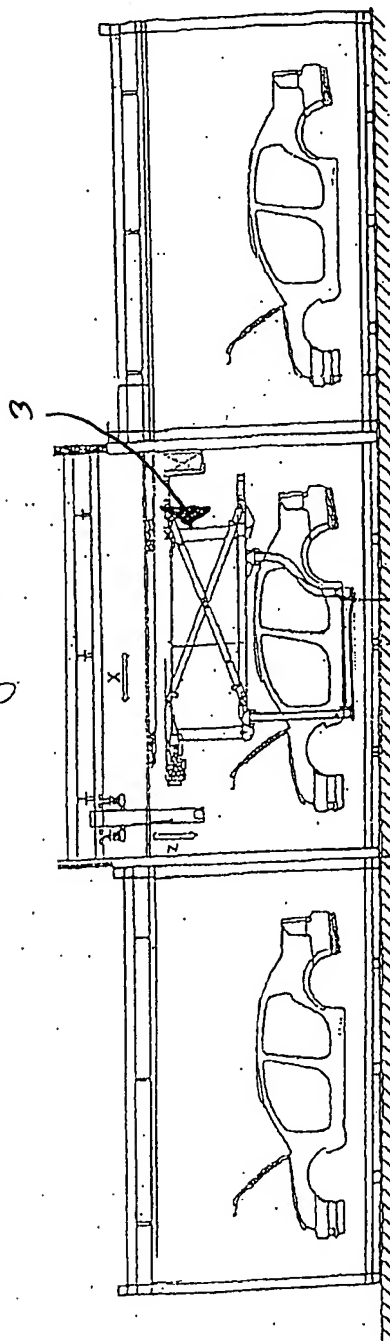
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APPLICANT: Gerhard MOGCK ET AL. - 1
SERIAL NO.: 10/538,082 Examiner: E. E. CADUGAN
FILED: October 17, 2005 Group: 3722
TITLE: DEVICE FOR ASSEMBLING, TUNING, AND ...
REPLACEMENT SHEET

Approved
EAC
1/16/08

Fig. 2b



Approved
EdC
1/16/08

Fig. 3b

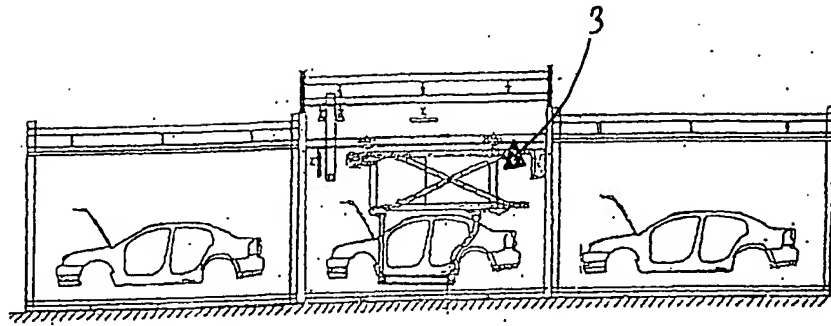
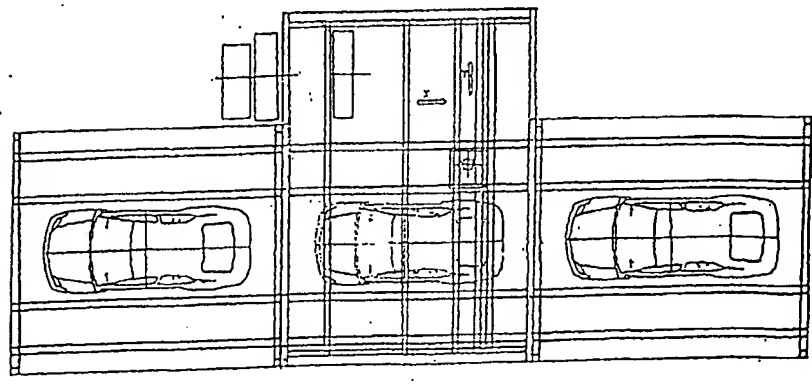
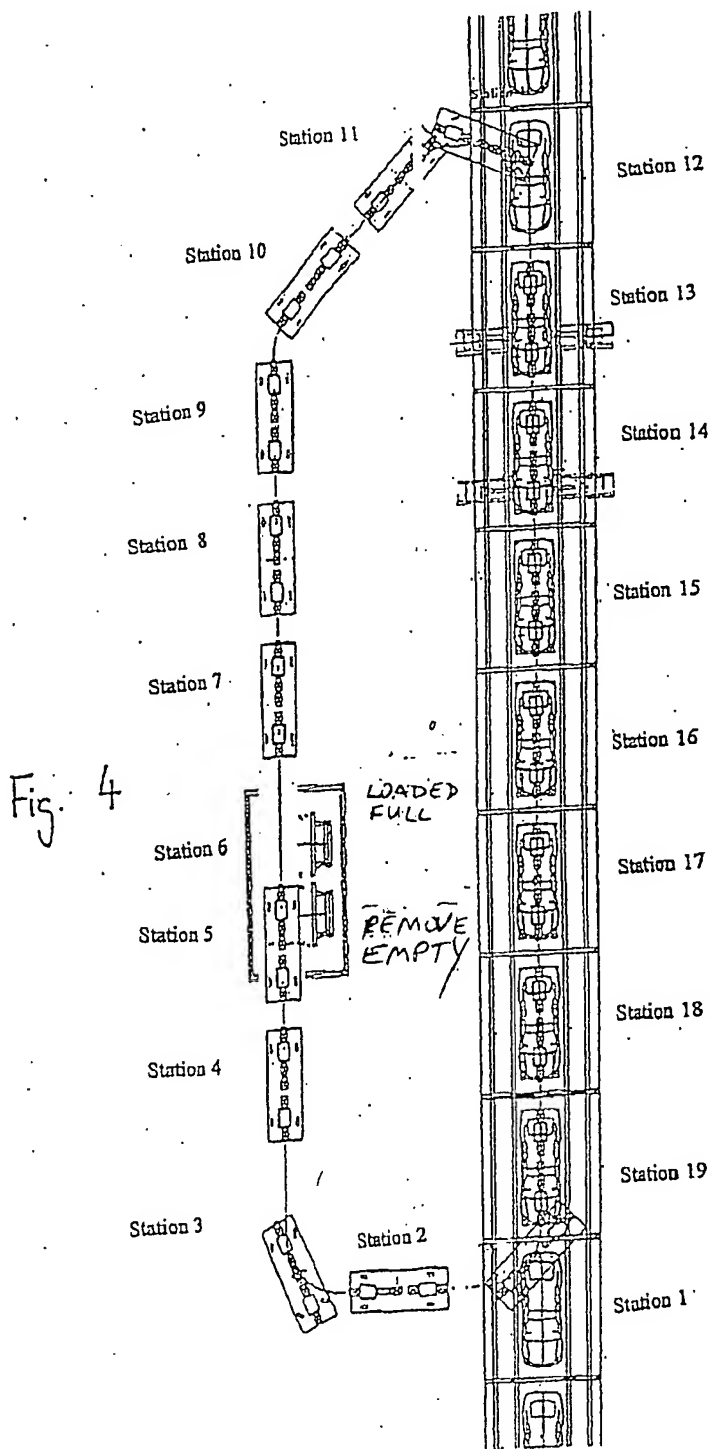


Fig. 3c



Not
approved
EEC
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Approved
ECC
1/16/08

Fig. 5b

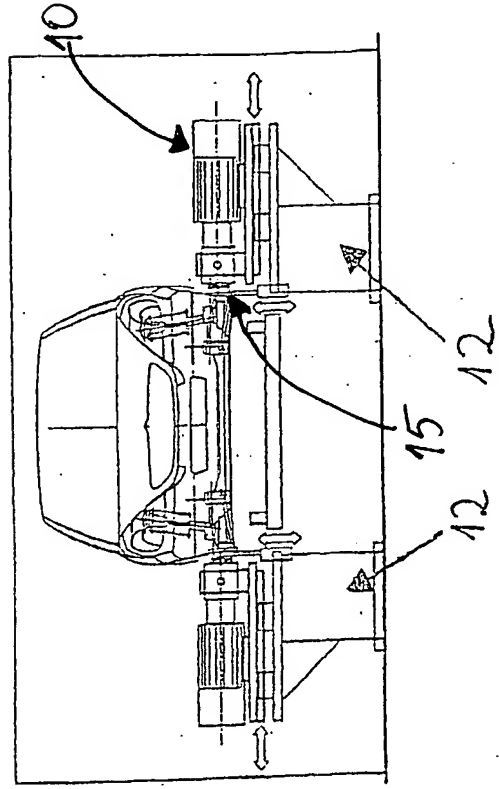
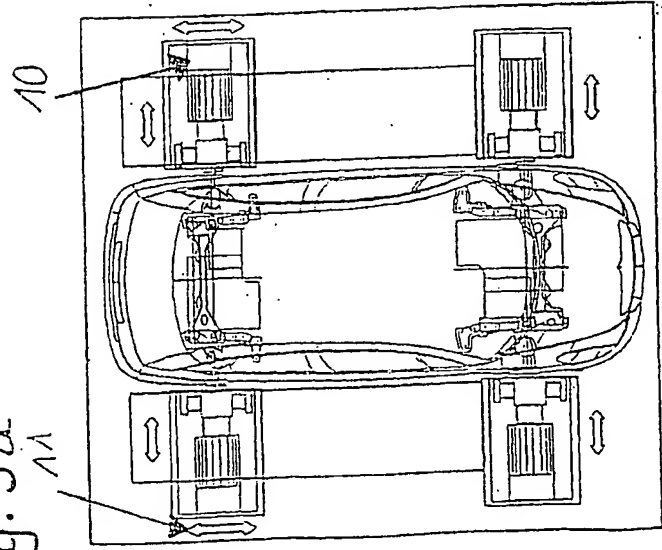


Fig. 5a



~~REPLACEMENT SHEET~~

New sheet

Approved
EEC
1/14/08

Fig. 5d

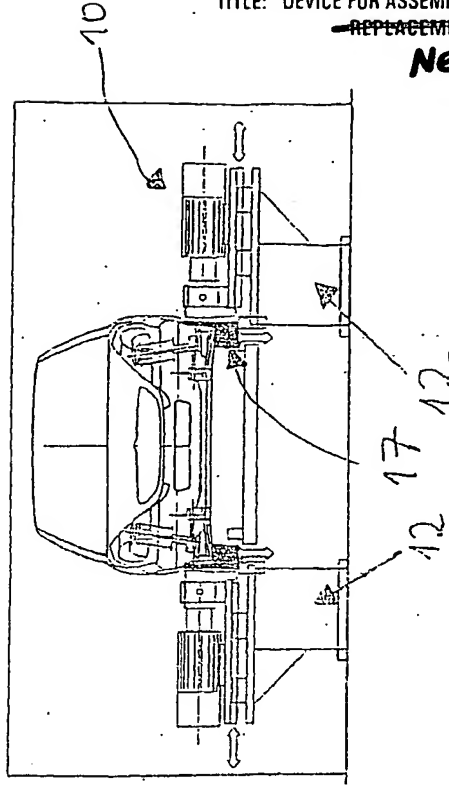


Fig. 5c

